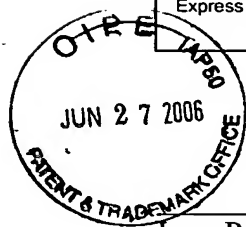


Express Mail Label No. EV 682 426 099 US Dated: June 27, 2006



Docket No.: CCI-027CN
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Peter Martin Fischer *et al.*

Application No.: 10/671747

Confirmation No.: 9353

Filed: **September 26, 2003**

Art Unit: 1624

For: **INHIBITORS OF CYCLIN DEPENDENT
KINASES AS ANTI-CANCER AGENT**

Examiner: D. R. Rao

PETITION TO GRANT ORIGINAL FILING DATE PURSUANT TO 37 C.F.R. § 1.10

MS ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests, pursuant to 37 C.F.R. §1.10(c), that the filing date of U.S. Patent Application No. 10/671747 be corrected from September 24, 2003, the filing date accorded by the U.S. Patent and Trademark Office on the Official Filing Receipt, to **September 26, 2003**, the actual United States Postal Service deposit date.

In support of their request for correction, Applicant submits herewith, copies of the following documents as evidence of the actual filing date of **September 26, 2003** for the above-referenced application.

(1) Appendix A - A true copy of an Express Mail Label No. EV 309 881 169 US made prior to deposit of the application with the U.S. Postal Service (1 page);

(2) Appendix B - A true copy of the Application Transmittal Letter dated **September 26, 2003** made prior to deposit of the application with the U.S. Postal Service, describing the papers which constituted the filing package, and bearing a Rule 10 certification of

Express Mailing (Express Mail Label No. EV 309 881 169 US), indicating that the application filing package was deposited with the U.S. Postal Service on **September 26, 2003** (1 page);

(3) Appendix C - A true copy of the return postcard, made prior to deposit of the application with the U.S. Postal Service and after deposit of the application with the U.S. Postal Service, originally filed with the above-referenced application, describing the papers that constituted the filing package and indicating the deposit into "Express Mail" on **September 26, 2003** with Express Mailing No. EV 309 881 169 US (1 page);

(4) Appendix D - A true copy of the Lahive & Cockfield Express Mail Log containing date, docket number and last 4 digits of the airbill number in yellow and indicating that the application filing package was entered into the records on September 26, 2003 (1 page); and

(5) Appendix E - A true copy of the Express Mail Corporate Account Mailing Statement for the period 09/01/03-09/30/03, bearing the correct date of **September 26, 2003** as indicated by the yellow mark (1 page).

This Petition, together with items (1), (2), (3), (4) and (5) above, establish that the instant application was deposited with the U.S. Postal Service "Express Mail" on **September 26, 2003** and is therefore entitled to a filing date of **September 26, 2003**.

In summary, Applicant respectfully requests that the present Petition be granted and that the filing date of U.S. Patent Application No. be corrected from September 24, 2003 to **September 26, 2003**.


Application No.: 10/671747
Docket No.: CCI-027CN

Examiner: D. R. Rao
Art Unit: 1624

Applicant believes no additional costs are due in connection with the filing of this petition. If, however, a fee is due, please charge the appropriate fee as required under 37 CFR §1.17(p) to our Deposit Order Account No. 12-0080.

Dated: June 27, 2006

Respectfully submitted,

By 
Cynthia E. Kanik, Ph.D.
Registration No.: 37,320
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant



Mailing Label
Label 11-F June 2002

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Date In						Delivery Attempt Time Employee Signature	
Mo. Day Year		<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM		Postage \$		Mo. Day AM PM	
Time In		Military		Return Receipt Fee		Mo. Day AM PM	
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No Delivery lbs. ozs.		Acceptance Clerk Initials				Employee Signature	
<input type="checkbox"/> Weekend <input type="checkbox"/> Holiday							
CUSTOMER USE ONLY METHOD OF PAYMENT: Express Mail Corporate Acct. No. X022061							
FROM: (PLEASE PRINT) LAHIVE & COCKFIELD LLP 28 STATE ST FL 24 BOSTON MA 02109-1784 Cynthia L. Kanik, Ph.D. (CMS)				TO: (PLEASE PRINT) MS. Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450			
PHONE () _____				PHONE () _____			

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EV309881169US

Appendix B

PTO/SB/05 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No.	CCI-027CN
	First Inventor	Peter M. Fischer
	Title	INHIBITORS OF CYCLIN DEPENDENT KINASES AS ANTI-CANCER AGENT
	Express Mail Label No.	EV 309 881 169 US

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.	ADDRESS TO: MS Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
---	---

1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original, and a duplicate for fee processing) 2. <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 3. <input checked="" type="checkbox"/> Specification [Total Pages 67] (preferred arrangement set forth below) - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 4] 5. Oath or Declaration [Total Sheets 1] a. <input type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed) i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) 8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies ACCOMPANYING APPLICATION PARTS 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of (when there is an assignee) Attorney 11. <input type="checkbox"/> English Translation Document (if applicable) 12. <input type="checkbox"/> Information Disclosure <input type="checkbox"/> Copies of IDS Statement (IDS)/PTO-1449 Citations 13. <input type="checkbox"/> Preliminary Amendment 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized) 15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed) 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. 17. <input type="checkbox"/> Other:
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18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: **PCT/GB02/01445**


Prior application information: Examiner **Unknown** Art Unit: **Unknown**

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number: **00959** OR ☐ Correspondence address below

Name	LAHIVE & COCKFIELD, LLP Giulio A. DeConti, Jr.				
Address	28 State Street				
City	Boston	State	MA	Zip Code	02109
Country	US	Telephone	(617) 227-7400	Fax	(617) 742-4214

Name (Print/Type)	Cynthia L. Kanik, Ph.D.	Registration No. (Attorney/Agent)	37,320
Signature		Date	September 26, 2003

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 309 881 169 US, in an envelope addressed to: MS Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 26, 2003

Signature:  (Cynthia L. Kanik, Ph.D.)

Atty Docket No.: CCI-027CN

Inventor: Peter M. Fischer, *et al.*

Application No.: Not Yet Assigned

Filing Date: Concurrently Herewith

Title: INHIBITORS OF CYCLIN DEPENDENT KINASES AS ANTI-CANCER AGENT

Documents Filed:

Utility Patent Application Transmittal (1 page)

Specification (67 pages)

Figure 1 drawing (4 sheets)

Application Data Sheet (3 pages)

Fee Transmittal (1 page in duplicate)

Charge \$704.00 to deposit account 12-0080

Via: Express Mail: Airbill No. EV 309 881 169 US

Sender's Initials: CLK/CMS/bjj

Date: September 26, 2003

Atty Docket No.: CCI-027CN

Inventor: Peter M. Fischer, *et al.*

Application No.: Not Yet Assigned

Filing Date: Concurrently Herewith

Title: INHIBITORS OF CYCLIN DEPENDENT KINASES AS ANTI-CANCER AGENT

Documents Filed:

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Charge \$704.00 to deposit account 12-0080

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Sender's Initials: CLK/CMS/bjj

Date: September 26, 2003



EXPRESS MAIL

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Appendix E



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EXPRESS MAIL CORPORATE ACCOUNT
MAILING STATEMENT

PAGE: 2

ACCOUNT NO: 022061

PERIOD: 09/01/03 - 09/30/03

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